



Legislative
Research
Council

MINUTES

State and Local Government Task Force

Fifth Meeting
2005 Interim
November 16, 2005

Room 412
State Capitol Building
Pierre, South Dakota

Wednesday, November 16, 2005

The fifth meeting of the State and Local Government Task Force was called to order by Matt Adamski, Chair, at 1:10 p.m. on November 16, 2005, in Room 412 of the State Capitol Building in Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Matt Adamski, Rod Bowar, Arlene Ham-Burr, Susan Humiston, James Zweep, Patty McGee, Bill Peterson, Jim Shaw, Sam Tidball, Debra Vedvei, Dean Wink, and Representative Michael Kroger. Kenneth Blanchard, Tom Helland, and Jim Hutmacher were excused. Lyle Hendrickson, Curt Jones, Christopher Maynard, Will Walter, Elizabeth Smith, and Senator Garry Moore were absent.

Staff members present included Tom Magedanz, Principal Research Analyst, and Reta Rodman, Legislative Secretary.

(**NOTE:** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the master minutes.)

Approval of Minutes

SAM TIDBALL MOVED, SECONDED BY ARLENE HAM-BURR, TO APPROVE THE MINUTES OF THE SEPTEMBER 29, 2005, MEETING. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Opening Remarks

Mr. Matt Adamski, Chair, reported to the committee the results of the subcommittee conference call which occurred last week. The four subjects discussed were flexibility, judicial and law enforcement, communications, and funding. He also stated that at the direction of the subcommittee, the draft entitled "State and Local Government Task Force Report to the South Dakota Legislature" (**Document #1**) was previously mailed to all the members of the task force.

Public Testimony

No individuals appeared at the meeting to offer public testimony.

Task Force Discussion and Final Recommendations

Mr. James Zweep stated that he had met with **Kelly Serr**, President of the Sheriff's Association and was informed that the Association is doing a study on the structure of fees and funding and plan to present the results during the 2007 Legislature. He said the Sheriff's Association is interested in revising the fee structure in SDCL7-12-18 (Subdivision 21) during this Legislature term. The task force discussed whether this change should be included in the list of recommendations, but it was decided that the current broad statement on fee structure would sufficiently address this matter and would provide support for the proposal.

Mr. Bill Peterson expressed his opinion that information on the Governor's Red Tape Task Force should be included in the report as a recommendation. He stated that this item would fit most appropriately under the communications category by adding a statement supporting the Red Tape Task Force and suggesting that it be used as a model. Mr. Peterson said this statement would be above and beyond the communication issues and would be a focal point of the task force.

Mr. Sam Tidball questioned whether this additional statement needed a motion or a consensus of the members. Matt Adamski stated that a consensus of the task force members was sufficient with all members in agreement.

Mr. Tom Magedanz, Principal Research Analyst, responded to a question from James Zweep asking how the report would be presented to the Legislature. Mr. Magedanz stated that a copy of the report would be placed in each legislator's mail box along with a copy of the report to be placed in the Legislative Research Council's library. He stated that if a bill is not going to be introduced in the Legislature then there will not be any testimony. Mr. Magedanz said that possibly testimony could be given to the two local government committees during the early part of session. Also, the Executive Board will receive a copy of this report when he gives his interim committee report to them at the end of November. Mr. Adamski stated that he would be willing to make a presentation to the two local government committees.

Mr. Peterson said that South Dakota has an interesting situation due to the state's demographics and their partiality to low taxes which puts pressure on local governments. He suggested that the Municipal League draft and submit legislation during the 2006 session regarding home rule. He also emphasized that the counties and cities need to work together to get the ability to set their own fees. Mr. Zweep stated that the associations also need to consider drafting legislation along certain areas of concern.

Ms. Arlene Ham-Burr suggested that the task force present this report to the Governor and the executive branch, and the task force members concurred.

Mr. Dean Wink suggested that possibly this is the time to consider action in the area of home rule. Mr. Peterson responded by saying that there are legislators who are strong advocates of home rule and would be in a position to work towards that goal. Mr. Tidball agreed and said that possibly an Attorney General's opinion might be necessary in determining what needs to be done with respect to home rule. He stated that the biggest hurdle is that the public does

not understand the concept of home rule. Mr. Wink asked Bill Peterson who he felt would oppose home rule, and Mr. Peterson stated that the tobacco, liquor and gambling industries might oppose.

Mr. Peterson thanked everyone on the committee for their dedication to the task force and felt that significant progress had been made to aid the relationship between state and local governments. **Ms. Susan Humiston** said that being on the task force had been a great educational opportunity, and asked that the members be informed of when testimony would occur before the two local government committees. Mr. Magedanz stated that members will be notified.

SAM TIDBALL MOVED, SECONDED BY BILL PETERSON, TO ADOPT THE REPORT. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Adjourn

JIM SHAW MOVED, SECONDED BY DEAN WINK, TO ADJOURN THE MEETING. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

MEETING ADJOURNED AT 2:00 P.M.



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